The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOOD of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Kaitlyn Roberts, one of his secretaries.

# OCEAN SHIPPING REFORM ACT OF

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3580) to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

S. 3580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 2022".

#### SEC. 2. PURPOSES.

Section 40101 of title 46, United States Code, is amended—

- (1) by striking paragraph (2) and inserting the following:
- "(2) ensure an efficient, competitive, and economical transportation system in the ocean commerce of the United States;";
- (2) in paragraph (3), by inserting "and supporting commerce" after "needs"; and
- (3) by striking paragraph (4) and inserting the following:
- "(4) promote the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.".

### SEC. 3. SERVICE CONTRACTS.

Section 40502(c) of title 46, United States Code, is amended—

- (1) in paragraph (7), by striking "; and" and inserting a semicolon:
- (2) in paragraph (8), by striking the period and inserting "; and"; and
  - (3) by adding at the end the following:
- "(9) any other essential terms that the Federal Maritime Commission determines necessary or appropriate through a rule-making process.".

## SEC. 4. SHIPPING EXCHANGE REGISTRY.

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

## "§ 40504. Shipping exchange registry

"(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

"(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate to complete a shipping exchange's registration.

"(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in a foreign country where the shipping exchange is headquartered.

"(d) REGULATIONS.—Not later than 3 years after the date of enactment of the Ocean Shipping Reform Act of 2022, the Commission shall issue regulations pursuant to subsection (a), which shall set standards necessary to carry out subtitle IV of this title for registered national shipping exchanges. For consideration of a service contract entered into by a shipping exchange, the Commission shall be limited to the minimum essential terms for service contracts established under section 40502 of this title.

"(e) DEFINITION OF SHIPPING EXCHANGE.—In this section, the term 'shipping exchange' means a platform (digital, over-the-counter, or otherwise) that connects shippers with common carriers for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation."

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by subsection (a)), shall take effect on the date on which the Federal Maritime Commission states the rule is effective in the regulations issued under such section.

(c) CLERICAL AMENDMENT.—The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following:

"40504. Shipping exchange registry.".

## SEC. 5. PROHIBITION ON RETALIATION.

Section 41102 of title 46, United States Code, is amended by adding at the end the following:

"(d) RETALIATION AND OTHER DISCRIMINA-TORY ACTIONS.—A common carrier, marine terminal operator, or ocean transportation intermediary, acting alone or in conjunction with any other person, directly or indirectly, may not—

"(1) retaliate against a shipper, an agent of a shipper, an ocean transportation intermediary, or a motor carrier by refusing, or threatening to refuse, an otherwise-available cargo space accommodation; or

"(2) resort to any other unfair or unjustly discriminatory action for—

"(A) the reason that a shipper, an agent of a shipper, an ocean transportation intermediary, or motor carrier has—

"(i) patronized another carrier; or

"(ii) filed a complaint against the common carrier, marine terminal operator, or ocean transportation intermediary; or

"(B) any other reason.".

### SEC. 6. PUBLIC DISCLOSURE.

Section 46106 of title 46, United States Code, is amended by adding at the end the following:

"(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

"(1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and "(2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier.".

#### SEC. 7. COMMON CARRIERS.

- (a) IN GENERAL.—Section 41104 of title 46, United States Code, is amended—
  - (1) in subsection (a)-
- (A) in the matter preceding paragraph (1), by striking "may not" and inserting "shall not":
- (B) by striking paragraph (3) and inserting the following:
- "(3) unreasonably refuse cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods;";
- (C) in paragraph (5), by striking" in the matter of rates or charges" and inserting "against any commodity group or type of shipment or in the matter of rates or charges";
- (D) in paragraph (10), by adding ", including with respect to vessel space accommodations provided by an ocean common carrier" after "negotiate":
- (E) in paragraph (12) by striking "; or" and inserting a semicolon:
- (F) in paragraph (13) by striking the period and inserting a semicolon; and
  - (G) by adding at the end the following:
- "(14) assess any party for a charge that is inconsistent or does not comply with all applicable provisions and regulations, including subsection (c) of section 41102 or part 545 of title 46, Code of Federal Regulations (or successor regulations);
- "(15) invoice any party for demurrage or detention charges unless the invoice includes information as described in subsection (d) showing that such charges comply with—
- "(A) all provisions of part 545 of title 46, Code of Federal Regulations (or successor regulations); and
- (B) applicable provisions and regulations, including the principles of the final rule published on May 18, 2020, entitled 'Interpretive Rule on Demurrage and Detention Under the Shipping Act' (or successor rule); or
- "(16) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage against any commodity group or type of shipment."; and
  - (2) by adding at the end the following:
- "(d) DETENTION AND DEMURRAGE INVOICE INFORMATION.—
- "(1) INACCURATE INVOICE.—If the Commission determines, after an investigation in response to a submission under section 41310, that an invoice under subsection (a)(15) was inaccurate or false, penalties or refunds under section 41107 shall be applied.
- "(2) CONTENTS OF INVOICE.—An invoice under subsection (a)(15), unless otherwise determined by subsequent Commission rule-making, shall include accurate information on each of the following, as well as minimum information as determined by the Commission:
  - "(A) Date that container is made available.
  - "(B) The port of discharge.
  - "(C) The container number or numbers.
- ``(D) For exported shipments, the earliest return date.
  - "(E) The allowed free time in days.
- "(F) The start date of free time.
- ``(G) The end date of free time.
- "(H) The applicable detention or demurage rule on which the daily rate is based.
- "(I) The applicable rate or rates per the applicable rule.
- ``(J) The total amount due.
- "(K) The email, telephone number, or other appropriate contact information for questions or requests for mitigation of fees.